

***United States Court of Appeals
for the Second Circuit***



APPENDIX

*Original with Affidavit of
Mailing*

76-1318

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 76-1318

UNITED STATES OF AMERICA,

Appellee,

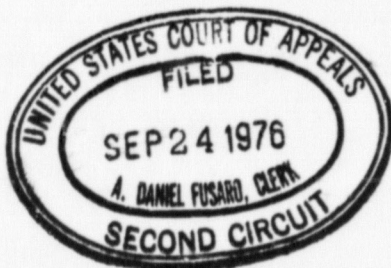
—against—

STEPHEN ROSENBAUM,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GOVERNMENT'S APPENDIX



DAVID G. TRAGER,
United States Attorney,
Eastern District of New York.

PAGINATION AS IN ORIGINAL COPY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

STEPHEN ROSENBAUM,

Defendant.

----- X

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

A F F I D A V I T

75 CR 856

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. NY

JAN 27 1976

TIME A.M.
P.M.

DAVID S. GOULD, an attorney admitted to practice law in the State of New York, being duly sworn, deposes and says:

(1) I am an Assistant United States Attorney representing the government in the above-captioned case, and make this affirmation in support of the government's memorandum of law in opposition to defendant's motion to dismiss the indictment against Stephen Rosenbaum on the ground of undue prosecutorial delay in bringing the indictment.

(2) The information contained in the affidavit herein is based both on personal knowledge and information and belief.

(3) The defendant Stephen Rosenbaum has charged the government with undue and unwarranted prosecutorial delay in bringing an indictment against him.

a. The government commenced its investigation into allegations of criminal wrongdoing by employees of Springfield Equities Ltd. about March of 1972. The investigation was part of a general far-ranging investigation into the alleged illegal activities of numerous mortgage companies, brokers, speculators and federal employees dealing with the purchase and sale of federally insured mortgage loans within the Eastern District of New York.

6

b. The government's initial investigation did not make significant head way due to the reluctance of witnesses to come forward for fear of incriminating themselves or incurring the wrath of those people they would accuse.

c. The government's investigation did not make significant progress until about June of 1974 and onward when the government was successful in obtaining the convictions of several pivotal federal employees, brokers and mortgage company employees engaged in illegal activities in the federally insured housing program.

d. On or about January 3, 1975, your deponent met with defendant and his attorney Michael Washor for the purpose of discussing a possible disposition in the case the government was developing against Stephen Rosenbaum. In the course of that two hour meeting, your deponent disclosed and discussed the nature of the evidence and some of the witnesses against defendant. Many of the allegations against defendant had recently come to the government's attention, and, had not, by the time of this meeting been thoroughly checked out by the government. Nevertheless, the contents of the allegations were disclosed to defendant.

e. No satisfactory disposition of the case resulted from the January 3, 1975 meeting. As a result, the government pressed forward with its investigation of defendant. In addition the government continued its investigation into the activities of the other two officers of Springfield Equities Ltd.

f. Between January 3, 1975 and the time the indictment 75 CR 856 was handed up on November 13, 1975, six very important witnesses, for the first time, agreed to cooperate with the government in its investigation. After receiving information from these new witnesses, the government's

investigation proceeded to the point where the grand jury investigating the matter felt warranted in handing up an indictment against defendant Stephen Rosenbaum.

g. The new information the government has uncovered in the past year has also enabled the government and the grand jury to determine that, based upon evidence discovered to date, there was insufficient proof of criminal wrongdoing to warrant indicting the other two officers of Springfield Equities Ltd. for the same crimes for which defendant Stephen Rosenbaum was indicted.

h. Information obtained within the past year by the government has also led to an investigation into possible tax law violations by the officers of Springfield Equities Ltd. Your deponent informed defendant's attorney of this investigation. At no time did your deponent inform defendant or his attorney that defendant would definitely be indicted for criminal tax law violations. The investigation into possible tax law violations is proceeding at this moment.

(4) Defendant has alleged in his motion papers that a government witness Douglas Holmberg, told the late Neil Lustig that he (Holmberg) had originally failed to inculcate defendant Stephen Rosenbaum in any criminal wrongdoing. However, Holmberg allegedly then stated that he lied by inculcating defendant Stephen Rosenbaum in order to extricate himself from his own wrongdoing. In addition, defendant asserts Holmberg stated that he had seen a copy of an F.B.I. report which noted his initial reluctance to admit knowledge of any criminal wrongdoing on the part of Stephen Rosenbaum.

a. An F.B.I. report does exist, stating that, when first interviewed, Douglas Holmberg refused to acknowledge any knowledge of any criminal wrongdoing dealing with federally insured housing programs.

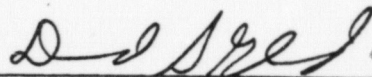
b. Neither your deponent nor any investigator connected with this case to the knowledge of your deponent showed the FBI report in question to Douglas Holmberg.

c. Your deponent called Douglas Holmberg on January 6, 1976 and queried him about the subject matter of the allegations made in defendant's motion papers before telling Mr. Holmberg about defendant's motion and the allegations made therein.

d. Mr. Holmberg stated to your deponent that he has never seen an FBI report relating to his statements to FBI agents.

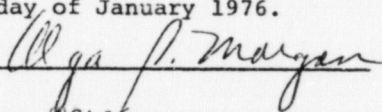
e. Mr. Holmberg stated to your deponent that he had not communicated with Neil Lustig in any manner since before the FBI report in question took place.

f. Mr. Holmberg stated to your deponent that he never told anyone he was lying to any law enforcement official about inculcating certain individuals and that, in fact, all the information he has given the government since he first began cooperating with the government has been the whole truth.



DAVID S. GOULD
Assistant U.S. Attorney

Sworn to before me this
17th day of January 1976.



OLGA P. MORGAN
Notary Public, State of New York
No. 1000000
Qualified in Kings County
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

- against -

STEPHEN ROSENBAUM,

Defendant.

A F F I D A V I T

75 CR 836

----- X
STATE OF NEW YORK)
COUNTY OF KINGS) SS:
EASTERN DISTRICT OF NEW YORK)

DAVID S. GOULD, an attorney admitted to practice law in the State of New York, being duly sworn, deposes and says:

(1) I am an Assistant United States Attorney representing the government in the above-captioned case, and make this affidavit in support of the government's memorandum of law in opposition to defendant's motion to dismiss the indictment against Stephen Rosenbaum on the ground of undue prosecutorial delay in bringing the indictment.

(2) The information contained in the affidavit herein is based both on personal knowledge and information and belief.

(3) This affidavit is submitted in opposition to defendant's supplemental affidavits requesting a dismissal of the indictment due to prejudicial governmental delay in bringing the indictment 75 CR 836.

For the most part, defendant's new affidavits add little of legal significance to his earlier affidavits. The government still relies on its previous answering affidavit and memorandum of law, asserting defendant has demonstrated no substantial prejudice, and, even if he has, the government's delay was more than justified. In fact, that one

reason for the delay was the government's desire to determine who to proceed against is buttressed by Mr. Grunewald's affidavit wherein he states he was told by an Assistant United States Attorney that the government had not yet elected whether to proceed against Rosen alone.

Although the government asserts that its previous affidavit sufficiently answers defendant's new affidavits, some comments about the new affidavits would serve to emphasize the insufficiency of defendant's legal argument.

(1) Justification for the Delay in Indictment

The government does not quarrel with the fact that it possessed enough evidence legally to justify indicting defendant in 1972. Nor does it deny defendant was offered a plea in 1972. But the fact that the government had sufficient evidence to establish a prima facie case and to discuss a felony plea with the defendant does not mean that the government had sufficient evidence to warrant requesting that the Grand Jury vote an indictment as early as 1972. In fact, the government requested that the Grand Jury return an indictment in November 1975, which was the first time the government determined it had a sufficiently strong case to warrant engaging in what clearly promised to be a difficult and hard fought trial. It is interesting to note that it is evident that defendant did not feel the government's evidence so compelling as to warrant taking a plea in 1972.

The government does not deny either that "all dates revealed by the overt acts under both conspiracy counts reflect Governmental information back to 1971 . . . and 1972". However, that information was not completely available to the government in those years. Much of the evidence only became available to the government over the past year.

The defendant continues to rely on Barker v. Wingo and its progeny. But those cases relate to the right to a

speedy trial, not to the right to a speedy indictment or accusation (See previous government's memorandum of law).

(2) Lack of Substantial Prejudice

Defendant in his affidavit names thirteen persons, now deceased or "missing", whom he alleges would have been of great value to the defense. Defendant contends that this constitutes substantial actual prejudice to his defense caused by the pre-indictment delay.

As defendant notes in his affidavit, four of the deceased persons mentioned by defendant died in 1972 or earlier. This "prejudice" cannot in any manner be credited to unnecessary governmental delay in bringing an indictment. Moreover, the information which they allegedly told defendant, even assuming it to be true, has very little, if any, relevance to the guilt or innocence of the defendant.

Five of the persons mentioned by defendant are alleged to be "missing". However, since defendant knew he was under investigation since late 1971, the fact that defendant cannot now find these witnesses must also be attributed to the defense, not the government. The defendant should not be able to claim "prejudice" for losing track of important defense witnesses at any time since 1972. Moreover, the information which these witnesses allegedly have has little, if any, relevance to the instant indictment. (The government is aware that Al Bernstein is in Florida. The government interviewed Monroe Kaufman and can supply defendant with his last known address, though it is difficult to discern how defendant will be aided by Mr. Kaufman's alleged statement about "how pleased he was doing business with us in contrast with the many other 'big shots' in the industry."

The four remaining witnesses referred to in defendant's affidavit (Murray Levoy, Paul Levine, Neil Lustig, and Herman Gelman) all died in 1975. Only as to these witnesses can there be any valid claim of prejudice to the defense resulting from the pre-indictment delay. Even here, the testimony which they allegedly would give largely involves alleged prior statements by prospective government witnesses relating to their credibility in inculcating the defendant Rosenbaum. At trial defendant's counsel will have ample opportunity to cross-examine the prospective government witnesses in this regard. Clearly, at this point in time, any claim of prejudice is too remote and speculative.

The government's evidence at trial will demonstrate that the defendant participated in the criminal activity mentioned involving, among other VA & FBI employees, McDonnell, Kessler, Orloff, Carroll, and Cohen, and that the defendant actually orchestrated the criminal activities of persons like Doug Holmberg and Andy Hahn, both of whom were Springfield employees working directly under the authority of defendant. The implausibility of the statements and actions attributed to government witnesses in defendant's affidavit, some exculpatory, will become apparent at trial. But the truth of defendant's assertions is somewhat circumspect even viewing his affidavit on its face.

A cursory examination of paragraph 8 of defendant's affidavit, the heart of his claim of prejudice, illustrates this. Contrary to the thrust of that paragraph, Mr. Holmberg asserts and your deponent's investigation confirms the fact that he was never shown the FBI report in which he denied all allegations of wrongdoing. Further, Mr. Kessler has told your deponent he has known for years that defendant was engaged in criminal activity. Moreover, these alleged statements

referred to in defendant's affidavit are inherently incredible. There is no apparent reason for some of the statements being made.

For instance, Doug Holmberg knew Neil Lustig most casually. (Mr. Holmberg asserts he has not communicated with Mr. Lustig since before the FBI report was made). If in fact Lustig was told by Holmberg that he planned to lie to the government, when did he do so, why did he do so and why did he tell a mere nodding acquaintance? Moreover, how did he allegedly say he saw an FBI report that was never shown to him? Further, under what circumstances would a VA appraiser involved in criminal activity (e.g. Kessler and Orloff) tell Lustig that the defendant was "100% clean"? Even assuming the appraiser was not himself involved in criminal activity with the defendant, how would he know about others? Why would he make such a statement to Lustig?

Defendant has simply failed to make any substantial showing of reliability regarding the making of those statements. For instance, surely when Lustig allegedly told defendant about Holmberg's lying to the government to implicate defendant, defendant must have communicated this startling and damaging news to his lawyer. Surely at that point Mr. Washor must have interviewed the witness and reduced the statements to writing. Yet we have not been shown the results of what must have been Mr. Washor's subsequent interview of Mr. Lustig. Further, given the numerous people in the industry whom defendant came in contact with in the normal course of business and in the process of investigating the case, it would seem to be an incredible coincidence that the people in the business who have died since 1971 were the only ones who heard impeaching statements from government witnesses. On the other hand, if there

were other such persons, this would mitigate any prejudice to the defense.

In sum, defendant has still failed to demonstrate any legally cognizable prejudice, and even if he had done so, the government has previously provided more than ample justification for the delay.

DAVID S. GOULD
Assistant U.S. Attorney

Sworn to before me this
19th day of February 1976.

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK, ss:

-----, being duly sworn, says that on the -----
day of -----, I deposited in Mail Chute Drop for mailing in the
U.S. Courthouse, Cadman Plaza East, Borough of Brooklyn, County of Kings, City and
State of New York, a -----
of which the annexed is a true copy, contained in a securely enclosed postpaid wrapper
directed to the person hereinafter named, at the place and address stated below:

Sworn to before me this
day of -----

AFFIDAVIT OF PERSONAL SERVICES

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK, ss:

-----, being duly sworn, says that he is employed in
the office of the United States Attorney for the Eastern District of New York. That on
the ----- day of -----, he served a true copy of the annexed
----- on the office of -----
attorney for ----- herein, located at -----
-----, Borough of -----, City of New York, by
leaving a true copy of same with his clerk or other person in charge of said office.

Sworn to before me this
day of -----

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-against-

75 CR 856

STEPHEN ROSENBAUM,

Defendant.

-----X

The pending motions and applications, heard March 4, 1976, are disposed of as follows:

1. Defendant withdrew its motion dated November 26, 1975, filed December 8, 1975, for a severance or for separate trials of the count(s) relating to the Veterans Administration and those relating to the Federal Housing Administration. The issue may be reopened if, as the trial shapes up, it appears that there is little common evidence or that a substantial practical reason for reconsideration appears.

2. Defendant's motion to dismiss the indictment because of preindictment delay is denied as "speculative and premature"; if events at the trial appear to demonstrate actual prejudice, the issue should be reopened for reconsideration at the close of the evidence. United States v. Marion, 1971, 404 U.S. 307, 326. At this time what appears from the affidavits is simply that the indictments were filed within the liminary period fixed by Congress, and that the

delay in indictment for some three years after the point at which the Government might have indicted on the evidence then in hand is not ascribed to any decision on the Government's part to delay for the purpose of achieving a tactical or strategic advantage or any more general calculation that time worked in its favor rather than in defendant's. Accepting at face value what defendant has said in his affidavit of February 3rd, 1976, it is not apparent that loss of the possible witnesses Lustig, Gelman, Levine, Levoy and Solomon will disadvantage him; the contrary is as easy an inference. The unavailability of the living witnesses appears unreal; nationwide process is available to secure their attendance if any of them are material witnesses and could be helpful to defendant. The Government, meanwhile - and it has the burden of 'proof - has lost one clearly material witness, Andrew Hahn, a co-conspirator whom it had intended to call as a witness (see Count 1, overt acts 2,5; Count 4, overt act 2).

No more appears than that the exhaustive work on the whole "housing scandal" has built evidence to the point at which the Government is now ready to proceed in the belief that the evolution of the whole set of indictments, pleas, etc., has at length put it in possession of sufficient evidence

to proceed with confidence. Cf. United States v. Finkelstein, 2d Cir. 1975, Slip Opinions, Sept. 1975 Term, 841, 856. United States v. Barket, 8th Cir. 1976, F.2d , does not reflect the approach of the Second Circuit. Cf. United States v. Foddrell, 1975, 523 F.2d 86; United States v. Frank, 1975, 520 F.2d 1287, 1292; United States v. Brown, 1975, 511 F.2d 920, 922-923.

3. The Government's compliance with defendant's discovery requests imposes on defendant the responsibilities of Rule 16(b)(1)(A) and (B). The discovery Rule does not in principle transgress any constitutionally protected interest of defendant, since it deals only with pretrial disclosure of what defendant has in mind disclosing at trial. The provision does not coerce production of what would otherwise be protected from disclosure.

4. The Government's motion for a ruling that the Hahn statements will be admissible is denied. Rule 804(b)(3) would appear prima facie to furnish a basis of admissibility, and it is argued that Hahn implicated himself and defendant before he was himself in danger of indictment, before he was promised anything, and before, therefore, he had any motive to prevaricate in order to ingratiate himself with his angry

Government. But the Government frankly states that he was given the Miranda warning before he was interrogated, and the date of interrogation, October 10, 1972, was fairly well along in the developing and wide-fronted investigation. The FD 302 of 10/18/72, however, can too readily be read as plainly signalling to Hahn that the moment for cooperation as showing was at hand and/that he ran for cover and from then onward was unqualifiedly giving the Government evidence against others. In light of the legislative history, to the extent reflected in the Committee reports, it is concluded that the Rule does not authorize use of the material against defendant. The absence of a substantial circumstantial guaranty of trustworthiness appears from the internal evidence of the Hahn materials - even before the Bruton constellation of considerations is confronted.

5. At the hearing the Government supplied defense counsel with a list of twenty-three names of co-conspirators (or persons who might arguably be so considered). Defendant and counsel examined the list. The names were of persons whom

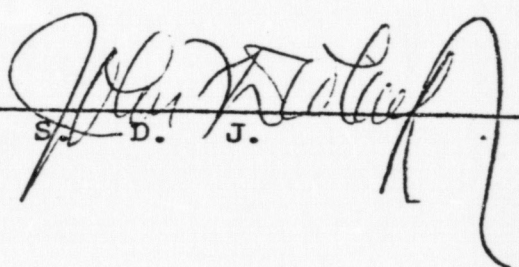
the defendant could identify without further description.

It is so ORDERED.

Brooklyn, New York

March 5, 1976.

U. S. D. J.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- -X
UNITED STATES OF AMERICA,

-against-

75 CR 856

STEPHEN ROSENBAUM,

Defendant.

----- -X
DOOLING, D.J.

Defendant renews his motion for a judgment of acquittal (Rule 29(c)) and for a new trial (Rule 33).

1. It is argued that the jury should have been instructed that it could find a verdict under 18 U.S.C. 209 as a lesser included offense. Defendant did not request such an instruction. During the jury's deliberations and in the absence of the jury and of the Assistant United States Attornies, defense counsel referred to Section 209 as being a lesser included charge. The Section was read and the defense counsel were told that it did not appear to be. No effort was made to raise the point formally.

While the point was neither raised nor saved, it must be concluded that, in any event, Section 209 is not a lesser included offense in relation to either Section 201(b) or 201(f). Section 209(a) provides that anyone who

2.

"pays, or makes any contribution to, or in any way supplements the salary" of a federal employee "as compensation for his services as an ... employee of ... any independent agency of the United States" is guilty of a misdemeanor. Section 209 is directed against payments explicitly made as compensation for service to the Government; it does not deal with covert gratuities "for or because of any official act performed or to be performed." Its evident aim is to forbid subsidizing federal employees on a regular basis, and it has come up principally in the context of public employment of employees of private enterprises or institutions or nonfederal public bodies on a temporary or loan basis. The exception for payments out of state, county or municipal treasuries illuminates its meaning, as do subsections (b), (c) and (d). Cf. Muschany v. United States, 1945, 324 U.S. 42, 67; International Ry. v. Davidson, 1922, 257 U.S. 506, 515.

Section 209 is not an included but a different offense; it would require proof that the payment was made "as compensation for" governmental service. Proving less than Section 201(f) requires, failing to prove that the

3.

accused payments were in contemplation of past or future official acts, would not leave proofs sufficient to establish a violation of Section 209(a); there would have to be proof that the payment was intended as compensation. Indeed, in strict literalism it might seem more likely that Section 201(f) was an offense included under Section 209 and requiring less exact proof!

Moreover, if it were thought that Sections 201(f) and 209 overlap, or, even, describe identities of conduct, the United States Attorney would nevertheless be free to proceed at discretion under either statute. See People v. Eboli, 1974, 34 N.Y. 2d 281, and cases discussed in it (34 N.Y. 2d at 288-289).

2. It is argued that the not guilty verdict on the substantive bribery count required dismissal of the conspiracy counts. It may be that the bribery count could well have been alleged as an overt act under the conspiracy of Count 1. But other overt acts were alleged and proved, the conspiracy was sufficiently proved, and the failure to satisfy the jury on the distinct bribery count had no bearing on the jury's finding that the evidence required a

4.

conviction on Count 1.

3. The argument based on what is said of "Wharton's Rule" in Iannelli v. United States, 1975, 420 U.S. 770, has no application to Counts 1 and 4. It could apply (and then only conditionally) if the counts charged only the giver and receivers of the bribes and gratuities. The Counts are not of that sort. Each charges a conspiracy involving others than giver and recipients.

4. The motion under United States v. Marion, 404 U.S. 307, renewed in the light of the evidence at the trial, must again be denied. The trial has not altered the balance of considerations in defendant's favor.

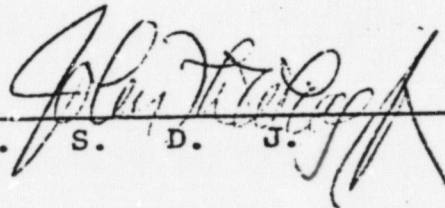
It is, accordingly

ORDERED that defendant's motion for a judgment of acquittal or a new trial is in all respects denied.

Brooklyn, New York

May 26, 1976.

U. S. D. J.



Excerpts from transcript of
tape recording played to the
jury (1480; Govt. Ex. No. 47)

The following meeting between SAMUEL BERMAN,
THOMAS JONES and STEPHEN ROSENBAUM on March 23, 1972 at
Springfield Equities Limited, 150-05 Hillside Avenue,
Queens, New York, was recorded through a radio transmitter
on the person of SAMUEL BERMAN.

BERMAN: Hi, PAULINE, how are you doing?

Unidentified Male (UM): (Inaudible)(IA)

BERMAN: What are you doing here. You're like, ah,
surrounded

PAULINE: (IA)

BERMAN: Good, good

PAULINE: (IA)

BERMAN: Yes, yeah this is Mr. JONES, TOM JONES.

PAULINE: Hello

JONES: How are you, mam

BERMAN: Lily, hi ya honey,

LILY: How are you?

BERMAN: How are you doing?

LILY: OK

BERMAN: Good

LILY: How's (IA). Do you know who he is?

BERMAN: I thought you were in Florida

DFK:nad
40.

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BERMAN: Yeah....Well, you see, he, ah, sort of knows her deal smells

JONES: Huh

BERMAN: Obviously, he, he knows her deal smells

JONES: Yeah, I guess so

BERMAN: And he gets this thing, he has this thing with, ah, he's under pressure now I guess. Did she leave?....Real tricky broad, real tricky...she has this writeoff, that she was telling (IA)...

UNIDENTIFIED MALE: (IA)

BERMAN: No

JONES: ...with you the first time you went out there

UNIDENTIFIED MALE: I know, and then I gave 'em back to her.

BERMAN: She, she's a nut (IA)

JONES: What?

BERMAN: (IA)...real con artist...(IA)...STEVE, could I see you a minute

ROSENBAUM: I don't know...I don't know

UNIDENTIFIED MALE: (IA)

ROSENBAUM: Well what did he say, what is he telling you there? I don't want to hear that.

BERMAN: How do you do business with her?

DFK:nad
41.

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ROSENBAUM: I don't want to hear...

BERMAN: Why do you think United, United didn't close?
What do you...

ROSENBAUM: Look, it's a verified loan. (IA) I'll close
it. I don't give a dam fuck. You gotta have,
you know...yeah, put him through...Give me,
give me, give me his number please...yeah, go
ahead...Who is calling me now? On twenty-nine...
Hello (hangs up) Yeah SAM (IA)

BERMAN: All right, this, ah, house on Sumptner. TOM
is buying this house on Sumptner.

ROSENBAUM: Where?

BERMAN: On Sumptner, you are supposed to have the CRV
for me.

ROSENBAUM: It didn't come in yet, right?

BERMAN: I don't know, did, dit it come in?

ROSENBAUM: Did you ask PAULINE? PAULINE would know.

BERMAN: I didn't ask her. I want to get going, you
know.

ROSENBAUM: All right

BERMAN: I got good credit and everything.

ROSENBAUM: Yeah...all right

BERMAN: Top guy

ROSENBAUM: You got (IA)...Domingo...(IA)

BERMAN: No problem, no problem with payments, right
TOM?

DFK:nad
42.

NY 147-2142

JONES: No, none at all

ROSENBAUM: You're going to live there right? I don't want to know if you are not.

BERMAN: No problem

JONES: You asking me, or what?

ROSENBAUM: Yeah, TOM, you ought to know what the rules are...All right, so what, what are you doing on this?

UNIDENTIFIED MALE: (IA)

ROSENBAUM: He told me this morning to do something...He picked up one appraisal, and I get the other two from MIKE

UNIDENTIFIED MALE: I should ask him for it now?

ROSENBAUM: Yeah...Just one appraisal. Did you pick up for one, for one appraisal LOU

UNIDENTIFIED MALE: ...he's got one

ROSENBAUM: One, that's all

UNIDENTIFIED MALE: (IA)...Springfield...normally, didn't we normally pick up, a, ah...(IA)(auto-mobile horns)

ROSENBAUM: All right that's on the, ah, what is it?

BERMAN: Sumptner, 152, yes. Top guy, really. Top guy, you'll never have a foreclosure.

DFK:nad
43.

A 25

NY 147-2142

ROSENBAUM: What about the credit information? Are we going to take it now

BERMAN: Yeah, take it, will you? Let's go.

ROSENBAUM: Sumptner Avenue, right?

JONES: Right.

BERMAN: Street

JONES: Street

ROSENBAUM: You didn't ask PAULINE about the CRV?

JONES: No, I didn't ask her. It might be in by now, you know what I mean?

UNIDENTIFIED FEMALE: (IA) (Office noise)

BERMAN: PAULINE, did you get in this 152 Sumptner, CRV? Did it come in yet? What, 10 days ago.

PAULINE: What, ah, Ware, ah, JONES is the name or is it WAREING?

BERMAN: JONES, yeah

PAULINE: (Office noise) I didn't get anything... (office noise) No, we don't have anything on it.

BERMAN: OK... (office noise)... It should have come back, right?

PAULINE: Yeah, it should be, ah (IA) have it tomorrow

LFK:nad
44.

NY 147-2142

BERMAN: Can you call up?

PAULINE: I can't, I can't check the VA...they stopped, they stopped it. I cannot call Assatley. It went into effect the 23rd.

BERMAN: You have to run down every time...

PAULINE: What you have to do is you have to (IA)... 48 hours you'll have an answer. Well, I'm going to tell you something (IA)

BERMAN: ORLOFF did it, ORLOFF

PAULINE: Oh ORLOFF. Call ORLOFF. You know the man?

BERMAN: I don't know him, but, ah...

PAULINE: I expect, I expect (IA) VA

BERMAN: (IA)

PAULINE: Do you have an associate in the office?

BERMAN: Yeah

PAULINE: I got a call yesterday and he wanted to know if, ah (IA) at, ah...

BERMAN: Yeah

PAULINE: ...VA

BERMAN: ...Who is this guy? I know...

PAULINE: MARVIN MORRIS. MARVIN MORRIS you want to meet SAM BERMAN

DFK:nad
45.

NY 147-2142

BERMAN: Yeah, you know me, yeah...I forget where I know you from...

MORRIS: I came into the office a couple of times when you were in Brooklyn

BERMAN: Oh

MORRIS: (IA)

BERMAN: What's is quiet now?

MORRIS: Brooklyn?

BERMAN: Yeah

MORRIS: (IA)

BERMAN: Amazing, she can't even call up to check...

MORRIS: (IA)

BERMAN: She can't call up to check anymore, you know.

MORRIS: (IA) need a phone. How can you call up when there is no phone on the, on the desk. The VA don't have phones.

BERMAN: Eh FRANK (IA) I thought you were in Puerto Rico.

FRANK
QUINTANO: What makes you say that.

BERMAN: JERRY said FRANK QUINTANO went to Puerto Rico

FRANK
QUINTANO: I wish I did, ha, ha

BERMAN: (IA) in Puerto Rico...(IA) Puerto Rico.

BERMAN: How you doing, Frank?...Yeah...FRANK, take it easy

DFK:nad
46.

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BERMAN: What was all this (IA) talking about?

LILY: Huh

BERMAN: What were they talking about was in the newspaper?

LILY: (IA)

BERMAN: And what are you doing (IA)

LILY: (IA)

BERMAN: (IA)(Static)(Office noise)

BERMAN: I want to tell you STEVE, you got a great guy here, no problem

ROSENBAUM: Oh yeah

BERMAN: No problem, no problem to me either.

ROSENBAUM: Sumptner Street right?

BERMAN: Yeah, yeah

ROSENBAUM: Sumptner, Sumptner or Sumner Avenue ?

BERMAN: S-U-M-P-T-N-E-R. All your cases should be like this, STEVE.

ROSENBAUM: S-U-M-P (IA)...

BERMAN: Did you (IA)...

ROSENBAUM: Yeah, did he bring his credit ap...

ROSENBAUM: Seventeen five is the mortgage, right? Seventeen five.

DFK:rad
47.

NY 147-2142

BERMAN: (IA) come in to it

ROSENBAUM: What about the father (IA)

UNIDENTIFIED MALE: (IA) it takes a couple of days.

BERMAN: How are you going to stay in business?

ROSENBAUM: We have to get around it now

BERMAN: (IA)

ROSENBAUM: Yeah, we are all nervous

BERMAN: (IA)

ROSENBAUM: Not now they're panicing (IA)

ROSENBAUM: How old are you?

JONES: 31

ROSENBAUM: And your wife?

JONES: 27

ROSENBAUM: How long are you married?

JONES: Four years

ROSENBAUM: Any children?

JONES: (IA)

ROSENBAUM: How old?

JONES: Three

ROSENBAUM: (IA) pay now?

DFK:nad
48.

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JONES: (IA)

ROSENBAUM: And what do you do?

JONES: I'm assistant manager

JONES: At ah, JERRY GILMAN's

ROSENBAUM: JERRY GILMAN?

BERMAN: Yeah, Creative Housing

JONES: Creative Housing (IA)(radio interference)

BERMAN: Limited I think, limited, L-T-D

ROSENBAUM: (IA)(radio interference)...14 what

JONES: (IA)(radio interference)

ROSENBAUM: How long (IA)(radio interference)

JONES: (IA)(radio interference) little over two

ROSENBAUM: Does your wife work?

JONES: (IA)(radio interference)

BERMAN: Don't forget STEVE, he has buildings, he could really get you the, ah, collect on them.

ROSENBAUM: We don't have any.

BERMAN: You don't have servicing no more?

ROSENBAUM: We don't service (IA)

BERMAN: Eastern Services a lot of them...so you don't have foreclosures here?

DFK:nad
49.

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ROSENBAUM: (IA).....do you know...(IA)
BERMAN: Don't know him, no
ROSENBAUM: I don't know (IA)
BERMAN: Really, did he pocket it?
ROSENBAUM: I don't know, did you put five hundred on contract?
JONES: Yeah, SAM took care of that
ROSENBAUM: What?
BERMAN: Yeah, it shows five hundred, yeah
ROSENBAUM: Five hundred on contract. Do you have any life insurance there?
JONES: No
ROSENBAUM: Ah, do you own any other real estate?
JONES: No real estate
BERMAN: You need, you don't need life insurance, do you really
ROSENBAUM: No. Do you have a car?
JONES: Yes
ROSENBAUM: What year?
JONES: 67 Ford, still paying on that.

DFK:nad
50.

NY 147-2142

ROSENBAUM: You got a loan on it?

JONES: Yeah

ROSENBAUM: How much do you owe?

JONES: About, ah, \$500

ROSENBAUM: Furniture and personal things worth, about five thousand?...How much do you earn?

JONES: Well, when I started at, ah, Creative is was about a hundred a week, but I have other income (IA)

ROSENBAUM: (IA)

BERMAN: What do you have to show?

ROSENBAUM: (IA)

BERMAN: Yeah

ROSENBAUM: What do you get for rental of the second floor? Apartment?

BERMAN: One fifty

JONES: I got income coming in from some other things I do.

ROSENBAUM: They only count your prime employment, right now. They don't count secondary income. (IA) (Interference)

ROSENBAUM: ...you should show that now. What bank would it be in?

JONES: Probably, ah, Freedom

DFK:nad
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ROSENBAUM: Freedom National Bank. Where is that located?

JONES: Ah, there's one on Fulton Street, in Brooklyn.

ROSENBAUM: FULTON, near Nostrand Avenue, right?

JONES: Right

ROSENBAUM: (IA)

JONES: It's too late today, probably tomorrow

ROSENBAUM: If we send it out by tomorrow ah, would it get there, ah

JONES: (IA)

ROSENBAUM: (IA) open it up with, ah, 300

JONES: Yeah

BERMAN: Is that enough, STEVE?

ROSENBAUM: (IA) If we send it out tomorrow, they would get it by Monday, right?

JONES: I don't know (IA) get it tomorrow. Do you have any idea (IA)

BERMAN: (IA)

JONES: I can't get (IA)(interference)

BERMAN: Can't you do it that way, STEVE, you know

ROSENBAUM: I'll put it in (IA) 75 ninety one hundred you got an eighteen five loan, they knock off 75 (IA) (Interference) 75 times 50 (IA) 500

DFK:nad
52.

NY 147-2142

BERMAN: Well, how else can we do it?

JONES: No way of getting around that at all

ROSENBAUM: Do you have any money in escrow or what?
Maybe somebody is holding money in escrow,
what do I know? Attorney's letter, or what?

BERMAN: That could be done

ROSENBAUM: Gave his attorney X amount of dollars, 600
dollars, to hold in escrow towards, ah, the
ah, completion (IA)

BERMAN: Beautiful. You understand it TOM

JONES: No, I'll take your word for it

ROSENBAUM: So, it's not going to be in Freedom National
Bank, right?

BERMAN: Right

ROSENBAUM: Who is the attorney that's gonna hold it?

BERMAN: Ah, I don't know, ah, would...(noise)
How about a letter, his boss is holding
money?

ROSENBAUM: (IA) give you a letter?

BERMAN: JERRY will probably give you a letter, right,
TOM?

JONES: Yeah, he'll give one (IA)

ROSENBAUM: JERRY will give him a letter? That he is
holding 600 until he completes the purchase
agreement. Whatever it is. (IA)

BERMAN: All right

DFK:nad
53.

A 35

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ROSENBAUM: All right.

ROSENBAUM: You got to sign over here, TOM. Where the X is, sign over here where it says signature of vet. Sign over here in this section. Bank account verification, you don't have any bank account. Well sign the three of these anyhow with your signature.

JONES: (IA)

ROSENBAUM: Excuse me

JONES: Each one of these

ROSENBAUM: Yeah, please. You got to sign the app over here. (Noise)

ROSENBAUM: Hello. You know I held Margaret Metzger, (IA)
All right (IA)...OK
(Static)
Yeah, all right, fine, it's up to you. What do you want me to do? (IA) could you do me one favor, wait one more day and a half. Wait, wait till tomorrow.
What happened? Good. Yeah. Good yea. 17.
Yeah I'm not worried (interference) will work it (interference) huh (IA) (interference) OK set it down to close. (IA) Yes, right (IA) you just have to get the cards (IA) When was he there? Yeah (IA) Probably get it tomorrow or Monday. (IA) Yes sir. Wait another (IA). Yeah please. Well you (IA) with all this shit flying around. But (IA) All right, fine (IA) Right. All right, take care. Well don't bring him in tomorrow morning. What is it four tenths. (IA) HAROLD I'll see you. Take care HAROLD, be well. How's your wife? Yeah good.

DFK:nad
54.

A 36

NY 147-2142

HAROLD: ...beauty parlor yesterday, first time out (IA)

ROSENBAUM: Hey HAROLD, how about some more business, seriously, you didn't know IRVING was back, came back about two weeks ago. OK HAROLD be well, take care. Yeah. 417329. What are the names on the cases, Romeo oh yeah go ahead
Yeah I remember that
Yeah 446 52nd Street, Okay
Good, were the cards there yet? Beautiful, Okay, good, very good, yes sir, bye, bye.
Yes sir.
Ah, so many fuckin problems. Okay, yeah, okay KENNY, take care. He's a hell of a good operator, you know KENNY BROMBERG?

BERMAN: No, where's he from.

ROSENBAUM: Hello, yeah TONY, why don't you come up and give me the information I was was a little logged up and I was out for a day. (IA) No, I have a, I had an appointment I had to get back up to the office. So what do you want? An increase. Yeah. Right. Yeah. That's it, that sounds all right, the increase is the most important thing, fuckin low, yeah, I know we need twelve hundred right?
Yeah I remember
All right look, uh, I wasn't able to do it this week. Impossible.
So I'm going to level with you, it's impossible.
So, uh, let me work on it.
The most important thing though
TONY is the increase, forget about the other shit.
The other shit you can bring up here. Right.
How are things? How's business? Yeah (IA)
Oh really, how's your wife?

DFK:nad
55.

A 37

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ROSENBAUM: (Static)
...said enough?
They, they may be telling you something. Oh
he did, all right, good
Subject to (IA) Right, right
All right, TONY, so you just bring that stuff
up, we'll drop it in an envelope (Noise)
How's my friend GUS?
Oh he is. My friend, ah SONNY? Where's
GEORGE? I'll be down, I, uh, just got logged
up this week like something crazy
Yeah, okay, okay TONY, take care
bye bye

(End of side B)

BERMAN: (IA)
(Static) Its really nice
(IA)

ROSENBAUM: ...split our offices.

BERMAN: Oh.

ROSENBAUM: LOU is in here with me. I'm going to get a
couch, in here. Do a little you know

BERMAN: Yeah, eh, relaxing.
(IA)...factory Domingo, right (IA) (Laughter)
(IA) your problem (IA) (Static)

ROSENBAUM: You gotta get (IA). Was he there? (IA) (office
noise)

BERMAN: He was there, uh, let me tell you what
happened, STEVE. The guy calls up, you know.
I have this bad foot, you know, so I couldn't
meet him, then I call him back, and he gets into
the house. Uh, he says I was there, already.
I said did you get in. He says yeah I got into
the whole house. All right. You know I
didn't meet him, but I paid you. I gave Ozer
money, you know, I hope you got it.

DFK:nad
56.

NY 147-2142

ROSENBAUM: (IA) (interference)

BERMAN: Right (IA)
Right...(IA)...So (IA)...
That's right. Finished with that call

UNIDENTIFIED
MALE:

No, I'm on, I'm on (IA)
(IA) (interference)

BERMAN: He went by himself (IA).

ROSENBAUM: (IA) who was it

BERMAN: ORLOFF (IA)

ROSENBAUM: (IA)

BERMAN: (IA)...just went by himself

ROSENBAUM: Hello...all right, put him through...ORLOFF
is a friend of mine, but you know, (IA) all
brokers, it's kind of understood that they got
to meet him there, you know. If they don't,
you know he doesn't give a fuck, he calls it
as he sees it (IA)

BERMAN: (IA)

ROSENBAUM: (IA) on these guys

BERMAN: I, I know they are taking, but still I was
in bed, I couldn't...

ROSENBAUM: You should have somebody else, your friend...

BERMAN: I told the guy to wait a couple of days. I
even called up here and said, ah, you know, I

DFK:nad
57.

A 39

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BERMAN: left work for him, ah, you know you can't get in for a few days, you know what I mean. He just ran down on his own.

ROSENBAUM: All right. You may have hurt yourself by doing that. You, you got to meet him, when a guy is going out, you know, what can I say we can't ah, we can't. The only communication we have is with the broker, that's it. Do you follow what I am saying? Believe me, I, I...

BERMAN: Maybe he got, ah, nervous or something, you know

ROSENBAUM: They are all nervous, every one of them especially (IA)...done it. He don't care. He says fuck you. What are you kidding me, no money in the deal and he is going to go out and do a job (IA). We run 20 a week, 30 a week,

BERMAN: Right

ROSENBAUM: ...(IA)...we can't meet these guys

BERMAN: I don't want you to.

ROSENBAUM: No, you see why we, follow me you know, you got to understand me, all these guys are (IA).

BERMAN: Right

ROSENBAUM: You understand?

BERMAN: That's what I'm paying you.

ROSENBAUM: No, no you're not paying me,

DFK:nad
58.

NY 137-2142

BERMAN: Right, I am

ROSENBAUM: Look, will you understand one thing.

BERMAN: Yeah

ROSENBAUM: When we get the appraisal, which we have to pay for,...

BERMAN: Right

ROSENBAUM: ...for Veteran's appraisal

BERMAN: Right

ROSENBAUM: That's not his.

BERMAN: Right

ROSENBAUM: That's what he gets for the appraisal

BERMAN: But I gave you besides that

ROSENBAUM: And for the assignment

BERMAN: Right

ROSENBAUM: ...we take care of two people. We take care of the two, we don't make any money on that it depends on the deal.

BERMAN: Okay

ROSENBAUM: Whatever you do with him, is what you do with him, this, this is not, this is not within our province

DFK:nad
59.

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BERMAN: Okay, all right, so you you get the assignment, I understand...

ROSENBAUM: That's what we get, plus we have to pay for the appraisal. You're not going to be billed for the appraisal, we are

BERMAN: Okay

ROSENBAUM: We get billed by the appraiser.

BERMAN: Now why did the guy go down there? (IA) Yeah.

ROSENBAUM: You should have called (IA) Did he call you?

BERMAN: He called once...

ROSENBAUM: ...You got to meet him...

BERMAN: ...and we called him back and said well we can't go tomorrow morning.

ROSENBAUM: (IA) there. (IA)

BERMAN: Well I don't know the guy I, ah, got to do it myself you know. I just can't say to a messenger, here's money or...

ROSENBAUM: I don't know now, I really don't know.

BERMAN: Maybe he didn't turn it in yet.

ROSENBAUM: When did he go there?

BERMAN: He went there, ah, last week I guess.

DFK:nad
60.

NY 137-2142

ROSENBAUM: I see. Is the building really bad?

BERMAN: No, it, ah, a building, it's falling down a little bit, it's a building, what's the matter with you?

ROSENBAUM: Is the house worth it? A lot?

BERMAN: Well worth it.

ROSENBAUM: A lot? He's the type of guy, you know (IA)(static) he's not going to put himself out on a limb, none, none of these guys.

BERMAN: I'm not asking him to do that, I just want the valuation.

ROSENBAUM: What is it, two family?

BERMAN: Yeah.

ROSENBAUM: (IA)

BERMAN: (IA)

ROSENBAUM: (Dial phone) Just tell me.

Is Mr. ORLOFF in? All right, STEVE ROSENBAUM. Hi ALLEN, how are you? (Static) 152 Sumptner (static) well did it go back, do you know, I mean, ah, did you send it back or what? You did send it back. Ah, hold^{on} sir, let me check my file on it cause I just got a call on it (IA) Who was the operator on it?

BERMAN: Me, you know

A43

DFK:nad
61.

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ROSENBAUM: Was you name down?

BERMAN: To call, yeah.

ROSENBAUM: Your specific name

BERMAN: Yeah, BERMAN, yeah

ROSENBAUM: What, what number was it?

BERMAN: 292 1250.

ROSENBAUM: 292 1250. The area code 516?

BERMAN: Yeah

ROSENBAUM: Hello, a fellow by the name of BERMAN.
Yeah, Okay.
(Static)
(IA) I see. I see. Yeah. You, you don't
know what the figures were on it? No. All
right ALLEN maybe I'll call you tomorrow on
it. Okay, take care.

(IA)

ROSENBAUM: He's been stalling on it.

BERMAN: I had a bad food I couldn't meet the guy.
Wanted him to wait two days.

ROSENBAUM: (IA) tomorrow. He says it's good, the building

BERMAN: There is nothing wrong with the building.

ROSENBAUM: I'm telling you what he's telling me.

DFK:nad
62.

NY 137-2142

BERMAN: Yeah. Well, ah, he didn't get paid, you know.

ROSENBAUM: You're damn right, that's what he's saying to me. He says the guy was stalling me and I wasn't able to get in. So what does that mean, you know, ah, I don't know now SAM, I don't know what to tell you. You handled it backwards. I can't, you know, work that way.

BERMAN: I'll tell you the truth, Steve.

ROSENBAUM: Excuse me.

BERMAN: I'll tell you the truth, I don't think he got into the whole building.

ROSENBAUM: No.

BERMAN: I don't think so. He may say he did but I don't think he did. I know he didn't.

ROSENBAUM: (IA)

BERMAN: Yeah I know.

ROSENBAUM: He's been giving me a lot of problems. I'll tell you that.

BERMAN: That's important. He went back
(Static)

ROSENBAUM: (IA) not worth it

BERMAN: No the valuation is the whole thing or whatever.

DFK:nad
63.

NY 137-2142

ROSENBAUM: I don't know what to say to you; I'll find out tomorrow. I don't even want to talk to him anymore.

BERMAN: Yeah (IA)

ROSENBAUM: I'll find out tomorrow and give you a ring.

BERMAN: Right, if it's not, all right, explain to him I really had a bad foot I was confined to the house.

ROSENBAUM: He doesn't give a shit.

BERMAN: Yeah, I know, he didn't get paid

ROSENBAUM: Not for that. He didn't get paid. He got paid for the appraisal that we sent him

BERMAN: Yeah I know

ROSENBAUM: That's no money to these fucking guys you got to hit him with a C-note, or a two, or whatever, whatever figure he names. These guys are very crazy you know, I tell you that very frankly.

BERMAN: So did he turn it in to the VA already?

ROSENBAUM: He said he sent it in already.

BERMAN: Can you get a reval if it comes out low?

ROSENBAUM: Yes, but it's so fuckin crazy up there now, I don't know what's it's going to be. You can't even speak to these guys. Can't even. Well you saw that. I called HUEY MC DONNELL (IA) what do you do. I know him as well as MANNY knows him, right. I know them all. There are shaking

DFK:nad
64.

NY 147-2142

ROSENBAUM: in their boots. You see what's happening in the papers, the New York Times, every day, every fucking day something else happens. (IA) Did you read the New York Times lately

BERMAN: No, I didn't read it.

(Static) (IA)

ROSENBAUM: Hello, that's right, all right put him through. Hello, yeah MIKE what's new, what's happening. Yeah. Yeah. Yeah. Yeah. Yeah. Yeah. I'll be here, can I help you? All right drop by. Bye bye.

BERMAN: It's political, you know, (IA) ROSIE will get, uh, ROSIE's got a lot of influence

ROSENBAUM: Yeah, but not with the VA. She doesn't know anyone.

BERMAN: I'm not talking about that. Doesn't she have influence in Washington, that's what they say

ROSENBAUM: That's my point, did you know she was called down before a Federal Grand Jury. ROSIE

BERMAN: Herself?

ROSENBAUM: Herself. That's what I was told.

BERMAN: Yeah

ROSENBAUM: Yeah, it's all hearsay. She took the fifth amendment (IA)

JONES: I can't get the mortgage now?

DFK:nad
65.

NY 137-2142

ROSENBAUM: I didn't say that, I didn't say that.

(Noise)

UNIDENTIFIED MALE: Let's see if they have it and we'll process the credit in the meantime, right? (IA)

BERMAN: And what about the credit agency here.

UNIDENTIFIED MALE: We'll call ROY CLARK in a couple of days.

ROSENBAUM: You call MARINE and ask her, you know, we'll send this out tomorrow. All right. You got everything except (IA)

BERMAN: Okay, Okay, you know no problem

(IA)(Noise)

ROSENBAUM: Can I buy you a cup of coffee

BERMAN: No I got to get going.

ROSENBAUM: (IA)

BERMAN: (IA)
problem, he was out there, something happened.

ROSENBAUM: (IA)

BERMAN: Well can't you meet with the guy?

ROSENBAUM: I'll try to call him tomorrow and see what I can do

JONES: How long do you think it will take, now

ROSENBAUM: Well. Probably a week to ten days to find out how we're going. Not on the appraisal. Probably only four there, but you know, your credit. You got to call ROY CLARK in about

DFK:nad
66.

NY 137-2142

ROSENBAUM: Two or three days all right. And uh, don't mention the loans on the car, all right?

JONES: I won't.

ROSENBAUM: Say you paid for the car, right?

JONES: All right.

ROSENBAUM: Take care

UNIDENTIFIED MALE: (IA) ROY CLARK all right

ROSENBAUM: Yeah, all right

BERMAN: Maybe ORLOFF will give you a call

ROSENBAUM: I'll call him tomorrow let me know SAMMY.
292-1250

BERMAN: Right.

(IA)(Static) conference now

ROSENBAUM: (IA) ORLOFF (IA)

BERMAN: I told you I had the gout

ROSENBAUM: Really

BERMAN: Yeah

ROSENBAUM: (Inaudible)

BERMAN: Yeah the fucking gout

DFK:nad
67.

NY 137-2142

JONES: Okay thanks a lot.

ROSENBAUM: Take care TOM

BERMAN: If you ever need someone to collect, STEVE,
he's real good.

ROSENBAUM: All right.
Look, we're not interested (IA) we don't call
for that SAM to be honest with you.

BERMAN: Yeah

ROSENBAUM: We don't collect rents, we don't want any
part of it.

BERMAN: Yeah (IA)

ROSENBAUM: Yeah, that's it (IA)

BERMAN: Year

ROSENBAUM: Hello

BERMAN: Good idea.

ROSENBAUM: Who? What phone's he on? All right, Okay,
Okay JERRY, he will.

BERMAN: I'll call him back STEVE

ROSENBAUM: Okay, bye bye. So long.

BERMAN: PAULINE, so long.

DFK:nad
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PAULINE So long, hon

BERMAN: Okay thank you, thanks.

 (Inaudible)(Static)

(End of conversation)

Excerpts from transcript of
tape recording played to the
jury (1639A; Govt. Ex. No. 48-
48A)

The following meeting between SAMUEL BERMAN,
THOMAS JONES and STEPHEN ROSENBAUM on March 23, 1972 at
Springfield Equities Limited, 150-05 Hillside Avenue,
Queens, New York, was recorded through a tape recorder on
the person of THOMAS JONES.

(Office noise)

BERMAN: (Inaudible)(IA)

Unidentified Male: (IA)

BERMAN: What are you doing here. You're like, ah,
surrounded

PAULINE: (IA)

BERMAN: Good, good

PAULINE: (IA)

BERMAN: Yes, yeah this is Mr. JONES, TOM JONES.

PAULINE: Hello

JONES: How are you, mam, glad to meet you.

BERMAN: Lily, hi ya honey,

LILY: How are you?

BERMAN: How are you doing?

LILY: OK

BERMAN: Good

LILY: How's Jerry. Do you know who he is?

BERMAN: I thought you were in Florida

DFK:nad
39.

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ROSENBAUM: I don't know...(IA)

UM: (IA)

ROSENBAUM: Well what did he say, what is he telling you that? I don't want to hear that.

BERMAN: How do you do business with her?

ROSENBAUM: I don't want to do business with her

BERMAN: Why do you think United, United didn't close? What do you...

ROSENBAUM: Look, it's a verified loan. One hundred and two percent. I'll close it. I don't give a dam. You know why I (IA) Hello...yeah, put him through...Give me, give me, give me his number please...yeah, go ahead...Who is calling me now? On twenty-nine...Hello (hangs up) Yeah SAM what do you want to talk about??

BERMAN: All right, this, ah, house on Sumptner. TOM is buying the house on Sumptner.

ROSENBAUM: Where?

BERMAN: On Sumptner, you are supposed to have the CRV for me.

ROSENBAUM: It didn't come in yet, right?

BERMAN: I don't know, did, dit it come in?

ROSENBAUM: Did you ask PAULINE? PAULINE would know.

DFK:nad
40.

NY 147-2142

BERMAN: I didn't ask her. I want to get going.

ROSENBAUM: All right

BERMAN: I got good credit and everything.

ROSENBAUM: Yeah....all right

BERMAN: Top guy

ROSENBAUM: You got (IA)...

BERMAN: No problem, no problem with payments, right TOM?

JONES: No, none at all

ROSENBAUM: You're going to live there right? I don't want to know if you are not.

BERMAN: No problem

JONES: You asking me, or what?

ROSENBAUM: Yeah, TOM, SAM knows what the rules are... All right, so what, what are you doing on this?

UM: (IA)

ROSENBAUM: He told me this morning to do something...He picked up one appraisal, and I get the other two from MIKE

UM: I should ask him for it now?

ROSENBAUM: Yeah...Just one appraisal. Did you pick up for one, for one appraisal LOU

DFK:nad
41.

NY 147-2142

UM: ...he's got one

ROSENBAUM: One, that's all

UM: (IA)...Springfield...normally, didn't we normally pick up, a, ah...(IA)(automobile horns)

ROSENBAUM: All right that's on the, ah, what is it?

BERMAN: Sumptner, 152, yes. Top guy, really. Top guy, you'll never have a foreclosure.

ROSENBAUM: What about the credit information? Are we going to take it now

BERMAN: Yeah, take it,

ROSENBAUM: Sumptner Avenue, right?

JONES: Right.

BERMAN: Street

ROSENBAUM: You...(IA)...the CRV?

(Noise)

JONES: I'm in the office by myself, now. Everyone else walked out.

(Inaudible background voices)

JONES: STEVE ROSENBAUM read over my certificate of eligibility. (Pause) I'm still sitting alone in STEPHEN ROSENBAUM's office.

DFK:nad
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UM: ...Of course not forget about it (IA) crazy

ROSENBAUM: (IA)

UM: Everyone (IA)

ROSENBAUM: Over here

UM: STEVE, how stupid (IA)

ROSENBAUM: All right so you take care of MIKE and MIKE will (IA)

UM: (IA)

ROSENBAUM: Right, absolutely

(Inaudible background conversation)

UM: On the way, he will be right back. (IA) Any calls? Yeah, any calls? Anything working? Good, what else? What else, what else, what else, what else? Nah (IA) I've got it right here, ah, right (IA) (hangs up phone)

ROSENBAUM: Where did SAM go?

JONES: He went around to check with somebody.

ROSENBAUM: Yeah. Well, what do you do, I mean?

JONES: I work with Creative Housing.

ROSENBAUM: Excuse me, I just want to make a call. (dials phone) GENE, look I don't have good news for you yet and I'm trying to get through to the fucking cock sucker and he is locked up. Well,

DFK:nad
43.

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ROSENBAUM:

we have a relationship and we are having somewhat of a problem on our fucking relationship. You know it's very very very crazy up there. In fact a lot of lenders have just been throwing their applications because they don't want to go in on a protest. Did you know that? I just found it out. Yeah, there are three companies that are with, withholding applications from the FHA (IA). I just heard that this afternoon. I wish they would have called me, I wouldn't have submitted any application. They are rejecting my credit here; I'm trying to get money for my life. Yeah, I know that. (IA) and the fact that he is single. I don't know, ah, you know, he's single, right, sort of a problem. I don't know. Who, the two of them? I, I wouldn't (IA). (IA) I wouldn't do that. It's your word against (IA). Well, I suggest that we do that, I mean...I'll, let me know by the end of the day though. Yes sir. Right, the singleness of the guy and the relationship. Well, that's that's very possible, you...he still lives in one apartment? All right, fine. Yeah, but let's, let's work on it on that basis we have to get him up here, you know, okay. If that's so, yes. Okay, get in touch. Thank you. (hangs up phone)

JONES:

SAM says we would split by five, I've got business up in Harlem

ROSENBAUM:

Yeah, all right, what's your name now. I think it was, ah...THOMAS F. JONES, right?

JONES:

Right

ROSENBAUM:

Are you married?

DFK:nad
44.

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JONES: Separated

ROSENBAUM: You're separated

JONES: Right

ROSENBAUM: You have any agreement with your wife?

JONES: Not yet.

ROSENBAUM: No. But you are going to show yourself separated then, right? Or married?

JONES: Well, whatever is better, ah, still married, theoretically.

ROSENBAUM: Yeah, you're married. What's your wife's name?

JONES: Andrea. A-N-D-R-E-A.

ROSENBAUM: And your present address is what?

JONES: 1513 Nostrand Avenue.

ROSENBAUM: You got a telephone, ah, TOM?

JONES: No.

ROSENBAUM: And the property address is 152 Sumptner, right?

JONES: Right

I want to tell you STEVE, you got a great guy here, no problem

DFK:nad
45.

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ROSENBAUM: Oh yeah

BERMAN: No problem

ROSENBAUM: Good

BERMAN: No problem to me either

ROSENBAUM: Sumptner Street, right?

BERMAN: Yes

JONES: Sumptner Street, right

ROSENBAUM: Sumptner. Is it Sumptner or Sumner Avenue

BERMAN: S-U-M-P-T-N-E-R

ROSENBAUM: S-U-M

BERMAN: All your cases should be like this, STEVE

ROSENBAUM: S-U-M-P

JONES: S-U-M-P-T-N-E-R

BERMAN: Listen, STEVE, you have any buildings, ah, ah
(IA)

ROSENBAUM: Oh, you mean collect the payments?

BERMAN: You know what I mean? He is good at that.

ROSENBAUM: The sales price is seventeen five, right?

BERMAN: Nineteen

ROSENBAUM: Nineteen

DFK:nad
46.

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BERMAN: Didn't you get the, ah

ROSENBAUM: You have the contract?

BERMAN: Yeah, you got it

(Phone rings)

ROSENBAUM: Yes. Yeah Okay, I'll call him back. Yeah.
OL 8-5000. Did he bring his credit up to
you? Okay, fine, bye bye. (hangs up phone)
Seventeen five is the mortgage, right.

BERMAN: No, eighteen five.

ROSENBAUM: Eighteen five.

BERMAN: Can you call to get some figures?

ROSENBAUM: Yeah, not today SAM. He just told me not to
bother him because he didn't want, its fucking
murder. You forgot to (IA) the telephone their
watching. Would you believe what's happening
up there? I never saw such a fucking concen-
tration camp, at up. You know we were directed
not to call them at all. We are not permitted
to call or go up. We have to send a letter
to fuckin PURSELL or JOHN O'ROURKE if we want
an expedite on a deal; the new new fuckin
system as of Monday this week.

BERMAN: How are you going to stay in business?

ROSENBAUM: We have to get around it you know. We'll have
to protest. Fuckin VA. Crazy.

DFK:nad
47.

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BERMAN: Don't you have a mortgage bankers association

ROSENBAUM: Yeah, we are all members. That doesn't mean anything

BERMAN: It should

ROSENBAUM: Not now they're panicing so bad now nothing (IA). I don't know when (IA)... How old are you?

JONES: 31

ROSENBAUM: And your wife?

JONES: She's 27

ROSENBAUM: How long are you married?

JONES: Four years

ROSENBAUM: Any children?

JONES: (IA) one

ROSENBAUM: How old?

JONES: Three

ROSENBAUM: What rent do you pay now?

JONES: (IA) a hundred and ten

ROSENBAUM: And what do you do, TOM?

JONES: I'm assistant manager.

ROSENBAUM: For whom?

DFK:nad
48.

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JONES: At ah, JERRY GILMAN's place
ROSENBAUM: JERRY GILMAN?
BERMAN: Yeah, Creative Housing
JONES: Right, Creative Housing
ROSENBAUM: I'll put down Creative Housing
JONES: 1437 Flatbush Avenue
ROSENBAUM: What is it, Creative Housing Corp.?
BERMAN: Ah, limited, I think. Limited. L-T-D.
ROSENBAUM: Creating Houses?
JONES: Creative Housing Limited.
ROSENBAUM: What is it, 14 what?
JONES: 37 Flatbush
ROSENBAUM: How long you working?
JONES: Two years. Little over two
ROSENBAUM: Two and a half years, all right. Does your wife work?
JONES: No.
ROSENBAUM: Housewife, right?
JONES: Right.

DFK:nad
49.

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BERMAN: Don't forget STEVE, he has buildings, he could (IA) collect on them.

ROSENBAUM: We don't have any.

BERMAN: (IA)

ROSENBAUM: (IA)

(Noise)

BERMAN: (IA)...you don't have foreclosures here?

ROSENBAUM: (IA)...do you know...(IA)

BERMAN: Don't know him, no

ROSENBAUM: I don't know (IA)

BERMAN: Really, did he pocket it?

ROSENBAUM: I don't know. Did you put five hundred on contract?

JONES: Yeah, SAM took care of that

ROSENBAUM: What?

BERMAN: Yeah, it shows five hundred, yeah

ROSENBAUM: Five hundred on contract. Right? Do you have any life insurance, ah, TOM?

JONES: No

ROSENBAUM: Ah, do you own any other real estate?

JONES: Yes

DFK:nad
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JONES: No real estate, no.

ROSENBAUM: None

BERMAN: You need, you don't need life insurance, do you really

ROSENBAUM: No. Do you have a car?

JONES: Yes

ROSENBAUM: What year?

JONES: 67 Ford.

ROSENBAUM: Ford.

JONES: Still paying on that.

ROSENBAUM: You got a loan on it?

JONES: Yeah

ROSENBAUM: How much do you owe?

JONES: About, ah, \$500

ROSENBAUM: Furniture and personal things worth, about five thousand right?

JONES: Right.

ROSENBAUM: How much do you earn?

JONES: Well, when I started at, ah, Creative is was about a hundred a week, but I have other income that I don't get from him.

DFK:nad
51.

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ROSENBAUM: What is this, two ^{family} ~~payments~~?

BERMAN: (IA)

ROSENBAUM: What do you get for rental of the second floor?
Apartment?

BERMAN: One fifty

JONES: I got income coming in from some other things
I do.

ROSENBAUM: What things?

JONES: Huh?

ROSENBAUM: They only count your prime employment, right
now. They don't count secondary income. You
got to give them the income on the front end,
the prime employment.

BERMAN: (IA)

ROSENBAUM: 175 a week? Yeah

JONES: I can get that.

ROSENBAUM: 175, well you have to tell a credit agency
that now.

JONES: It varies, mostly on, ah, commissions

ROSENBAUM: Yeah

JONES: On rental collections, anyhow.

ROSENBAUM: You have any bank accounts, TOM?

DFK:nad
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JONES: No

ROSENBAUM: (IA)

JONES: You want me to open one up?

ROSENBAUM: What?

JONES: Open one up?

ROSENBAUM: Could you show a bank account, for X amount of dollars, or what?

JONES: Yeah

ROSENBAUM: How much?

JONES: I could open one up and put maybe three hundred in it.

ROSENBAUM: Three hundred. What you should put in is about six months of 150, 75, 75, (IA) 700.

JONES: I can't get hold of that much money.

ROSENBAUM: No. (IA) show that now. What bank would it be in?

JONES: Probably, ah, Freedom.

ROSENBAUM: Freedom National Bank. Where is that located?

JONES: Ah, there's one on Fulton Street, in Brooklyn. Right near Nostrand Avenue, too.

ROSENBAUM: FULTON, near Nostrand Avenue, right?

JONES: Right

ROSENBAUM: Near Nostrand Avenue, right? When, when could you get that money in there?

DFK:nad
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JONES: It's too late today, probably tomorrow

ROSENBAUM: If we send it out by tomorrow, ah, would it get there, ah

JONES: It only takes a little while to open up an account.

ROSENBAUM: Yeah, how much are you going to open it up with, ah, 300?

JONES: 300. Yeah.

BERMAN: Is that enough, STEVE?

ROSENBAUM: I think you ought to show six or seven hundred in light of what's happened. If we sent it out tomorrow, they would get it by Monday, right? Or next Tuesday.

JONES: I don't know, you, you make a suggestion, I don't know. Do you have any idea SAM, I don't know.

BERMAN: (IA)

JONES: I can't get hold of 600 dollars, that's

ROSENBAUM: (IA)

BERMAN: Can't you do it that way, STEVE, you know

ROSENBAUM: I'll put it in SAM. I was telling you what they are going to look for. You know, if the income is past around the top, you know, no loan. 75 ninety one hundred you got an eighteen five loan, they knock off 75 a half of the 75 times 50 (IA) 500

DFK:nad
54.

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BERMAN: Well, how else can we do it?

JONES: No way of getting around that at all

ROSENBAUM: ...in escrow or what? Maybe somebody is holding money in escrow, what do I know? Attorney's letter, or what?

BERMAN: That could be done

ROSENBAUM: Give his attorney X amount of dollars, 600 dollars, to hold in escrow towards, ah, the ah, completion (IA)

BERMAN: Beautiful. You understand it TOM

JONES: No, I'll take your word for it

ROSENBAUM: So, it's not going to be in Freedom National Bank, right?

BERMAN: Right

ROSENBAUM: Who is the attorney that's gonna hold it?

BERMAN: Ah, I don't know, ah, would,...(noise) How about a letter, his boss is holding money?

ROSENBAUM: (IA) You want to give a letter?

BERMAN: JERRY will probably give you a letter, right, TOM?

JONES: Yeah, he'll give me one. I've known JERRY a long time he'll probably give it to me, if I need it.

ROSENBAUM: JERRY will give him a letter? That he is holding 600 until he completes the purchase agreement. Whatever it is. (IA) Giving him 6 hundred till he completes purchase

BERMAN: All right

DFK:nad
55.

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ROSENBAUM: All right.

ROSENBAUM: You got to sign over here, TOM. Where the X is, sign over here where it says signature of vet. Sign over here in this section. Bank account verification, you don't have any bank account. Well sign the three of these anyhow with your signature.

JONES: Each one of these copies?

ROSENBAUM: Excuse me

JONES: Each one of these?

ROSENBAUM: Yeah, please. You got to sign the app over here. (Noise)

ROSENBAUM: Hello, KENNY you know I held Margaret Metzger up on something. I was going to get that other 500, do you follow me? And, um, ah, I, I was trying to get it all day today but he was locked up, that son of a bitch, so what do you want me to do, I mean. Yeah. I wanted to get that twenty-eight five for you. The guy held it up on us. Yeah, I had somewhat of an idea I'm going to get the 500 more. No, all right fine. It's up to you. What do you want me to do, to proceed? Will you, could you do me one favor, could you wait one more day and a half. Wait, wait till tomorrow, ok? What happened? What? Yeah. Oh, good, yeah. 417. Yeah I'm not worried (interference) will work it about the efforts, its, if its building violations, we'll work that out with you, ok? Was the work done? In other words you have to get the stipple card. Ok set it down to close, and I will work it out with you. I don't know KENNY, you say the work was done, I got to go

DFK:nad
56.

NY 147-2142

ROSENBAUM: along with you, right? Ah, if you tell me that KENNY, yes, right. So long as the work was done and you just have to get the cars. Yeah, because you have been 100 percent, you know. When was he there. Yeah, all right we'll probably get it tomorrow or Monday. No problem. Call him. Absolutely. Yes sir. Just wait another day on that other one. Yeah, please. OK. Well you bug me, you know, shit flying around here. But I think I have it worked out for the 1500 for you. All right, fine but I want to give you the other five. Right. All right...bye bye. Well don't bring him in tomorrow morning. What is it, four ten. (IA) HAROLD I'll see you. Take care HAROLD be well. How's your wife? Yeah good.

HAROLD: Fine, she's doing very well.

ROSENBAUM: Yeah. good.

HAROLD: ...beauty parlor yesterday, first time out. I think she is doing good.

ROSENBAUM: Hey HAROLD, how about some more business, seriously, you didn't know IRVING was back, came back about two weeks ago.

HAROLD: Yeah, I know, I told him to stop by.

ROSENBAUM: OK HAROLD be well, take care. Yeah. 417 329. What are the names on the cases, ROMEO. Oh yeah go ahead. Yeah I remember that. Yeah 446 52nd Street, OK. All right. Good, were the cards in there yet? Beautiful, OK, good, very good, yes sir, bye, bye. Yes sir. Ah, so many fuckin problems. OK, yeah, OK KENNY, take care. He's a hell of a good operator, you know KENNY BROMBERG?

DFK:nad
57.

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BERMAN: No where's he from.

ROSENBAUM: Hello, yeah TONY, why don't you come up and give me the information I was was a little logged up and I was out for a day. No, I have a, I had an appointment I had to get back up to the office. So what do you want? An increase. Yeah. Right. Yeah. That's it, that sounds all right, the increase is the most important thing, fuckin low, yeah, I know we need twelve hundred right? Yeah, I remember All right look, uh, I wasn't able to do it this week. Impossible. I'm going to level with you, it's impossible. So, uh, let me work on it. The most important thing though TONY is the increase, forget about the other shit. The other shit you can bring up here. Right. How are things? How's business? Yeah (IA) Oh really. How's your wife? (Noise) Did they legitimately shove them out? They, they may be telling you. Oh he did, all right, good Subject to (IA) Right. All right, TONY, so you just bring that stuff up, we'll drop it in an envelope. (Noise) How's my friend GUS? Oh he is. My friend, ah SONNY? Where's GEORGE? I'll be down, I, uh, just got logged up this week like crazy. Yeah, OK, OK TONY, take care Bye, bye

JONES: You ought to get a secretary to answer your phones.

ROSENBAUM: Fucking pain in the ass. Let me proceed on this. You gotta sign...

JONES: You want me to sign this.

DFK:nad
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ROSENBAUM: ...with your signature. Yes, sign this...

JONES: Sign here?

ROSENBAUM: Yeah, with your signature. I want to get those verifications of employment (IA). What?

BERMAN: Oh boy they keep you busy STEVE

ROSENBAUM: (IA) it's murder. This is the worst job (IA) no money is worth it.
(Office noise)

JONES:Borrowers Statement of Liability; VA Mortgagor Certification; Request for Verification of Deposit; the Mortgage Application
(Office noise)

ROSENBAUM: Yeah, my, ah, wife got that for me.

BERMAN: (IA)

ROSENBAUM: (My sister got me this one. (L.) over here. We just split our offices. LOU is in here with me. I'm going to get a couch in here. Do a little, you know...

BERMAN: Yeah, a little relaxing

ROSENBAUM: Make sure...

BERMAN: That's some factory, DOMINGO, right? One man factory. (Laughter)

DFK:nad
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ROSENBAUM: I tell you it verified out. They can't be an illegitimate company. They are listed, a lot of companies are just unlisted.

BERMAN: It's a problem, really.

ROSENBAUM: We have problems, I don't even want those loans. I don't want them. Does JERRY have a listing.

BERMAN: Oh yeah

ROSENBAUM: Good.

BERMAN: It's very important.

ROSENBAUM: Good. It's very important. All right TOM we got everything rolling. Are you going, he is going to send us a letter on, on this 600. Is that approximately 6, 600 dollars. Let me see do I have everything.

JONES: What comes next?

ROSENBAUM: What comes next. We got to get the dam CRV. When was he there?

BERMAN: He was there, ah

ROSENBAUM: He was there?

BERMAN: The guy calls up, you know, and I have this bad foot (IA) so I couldn't meet him, then I called him back. He went to the house. Uh, he says, I was there already. I said did you get in. He says, yeah I got in to the whole house. All right?

DFK:nad
60.

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ROSENBAUM: Yeah.

BERMAN: You know, I didn't meet him, but I paid you, I gave OZER money, you know, I hope you got it.

ROSENBAUM: (IA) *understand* one thing, you paid us for the assignment. *of the appraisal*

BERMAN: Right (IA)

ROSENBAUM: You paid us for two appraisals?

BERMAN: Yes

ROSENBAUM: You paid us for two assignments

BERMAN: Correc.

ROSENBAUM: We never....(IA)...I don't, I don't, hey look, all I could tell you, is that if we give you a guy and you want him (IA). Hello, I don't (IA) I'm not bullshitting. Hello (hangs up phone)

BERMAN: (IA)

ROSENBAUM: The guy (IA)

BERMAN: I would have methim then, but my foot

ROSENBAUM: The guy was there, who was it?

BERMAN: ORLOFF, but I don't know these guys, but, ah...

ROSENBAUM: Well, we know them, but if you don't take care of these guys they will knock your fucking brains out.

DFK:nad
61.

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BERMAN: (LA)

ROSENBAUM: Hello, SONNY, all right, put him through. ORLOFF is a friend of mine, but you know, if I don't meet him, all the brokers, it's quite understood that they got to meet him there, you know. If they don't, you know, he doesn't give a fuck; he calls it as he sees it. Don't you understand that?

BERMAN: I understand that.

ROSENBAUM: I don't make a quarter on these guys.

BERMAN: I, I know they are taking, but still I was in bed, I couldn't...

ROSENBAUM: You should have somebody else, your friend...

BERMAN: I told the guy to wait a couple of days. I even called up here and said, ah, you know, I left word for him, ah, you know you can't get in for a few days, you know what I mean. He just ran down on his own.

ROSENBAUM: All right. You may have hurt yourself by doing that. You, you got to meet him, when a guy is going out, you know, what can I say we can't ah, we can't. The only communication we have is with the broker, that's it. Do you follow what I am saying? Believe me, I, I...

BERMAN: Maybe he got, ah, nervous or something, you know

DFK:nad
62.

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ROSENBAUM: They are all nervous, every one of them especially if you don't meet him (IA)...done it. He don't care. He says fuck you. What are you kidding me, no money in the deal and he is going to go out and do a job (IA). I hope you didn't hurt yourself. We run 20 a week, 30 a week,

BERMAN: Right

ROSENBAUM: ...we can't meet these guys.

BERMAN: I don't want you to.

ROSENBAUM: No, you see why we, follow me you know, you got to understand me, all these guys are looking (IA)

BERMAN: Right

ROSENBAUM: You understand?

BERMAN: That's what I'm paying you.

ROSENBAUM: No, no you're not paying me,

BERMAN: Right, I am

ROSENBAUM: Look, hold it a second, will you understand one thing.

BERMAN: Yeah

ROSENBAUM: When we get the appraisal, which we have to pay for,....

BERMAN: Right

DFK:nad
63.

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ROSENBAUM: ...for Veteran's appraisal

BERMAN: Right

ROSENBAUM: That's not his.

BERMAN: Right

ROSENBAUM: That's what he gets for the appraisal

BERMAN: But I gave you besides that

ROSENBAUM: And for the assignment

BERMAN: Right

ROSENBAUM: ...we take care of two people. We take care of the two, we don't make any money on that it depends on the deal.

BERMAN: OK

ROSENBAUM: Whatever you do with him, is what you do with him, this, this is not, this is not within our province

BERMAN: OK, all right, so you you get the assignment, I understand...

ROSENBAUM: Right that's what we get, plus we have to pay for the appraisal. You're not going to be billed for the appraisal, we are

BERMAN: OK

ROSENBAUM: We get billed by the appraiser.

DFK:nad
64.

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BERMAN: Now why did the guy go down there? (IA) Yeah.
ROSENBAUM: You should have called (IA) Did he call you?
BERMAN: He called once...
ROSENBAUM: ...You got to meet him...
BERMAN: ...and we called him back and said well we can't go tomorrow morning.
ROSENBAUM: You got to have somebody there. Some messenger (IA)
BERMAN: Well I don't know the guy I, ah, got to do it myself (IA)
ROSENBAUM: I don't know now, I really don't know.
BERMAN: Maybe he didn't turn it in yet.
ROSENBAUM: When did he go there?
BERMAN: He went there, ah, last week I guess.
ROSENBAUM: I see. Is the building really bad?
BERMAN: No, it, ah, a building, it's falling down a little bit, it's a building, what's the matter with you?
ROSENBAUM: Is the house worth it? A lot?
(End of Tape)

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK, ss:

-----LYDIA FERNANDEZ-----, being duly sworn, says that on the 22nd day of September, 1976, I deposited in Mail Chute Drop for mailing in the U.S. Courthouse, Cadman Plaza East, Borough of Brooklyn, County of Kings, City and State of New York, x two copies of the Government's Appendix of which the annexed is a true copy, contained in a securely enclosed postpaid wrapper directed to the person hereinafter named, at the place and address stated below:

-----Michael S. Washor, Esq.-----
-----16 Court Street-----
-----Brooklyn, N. Y. 11241-----

Sworn to before me this
22nd day of September, 1976

Martha Scharf

MARTHA SCHARF
Notary Public, State of New York
No. 24-3480350
Qualified in Kings County
Commission Expires March 30, 1977

Lydia Fernandez
LYDIA FERNANDEZ